

United States of America,)
)
Plaintiff,) NO. CR 11-01901-TUC-DCB(BPV)
)
vs.) **REPORT AND RECOMMENDATION**
) **ON DEFENDANT'S PETITION TO**
Mario Ramon Medina,) **REVOKE SUPERVISED RELEASE**
)
Defendant.)

On May 21, 2015, a Petition to Revoke Supervised Release [Doc. 26] was filed as to Defendant Mario Ramon Medina. Defendant's Initial Appearance Hearing was held on said Petition on June 11, 2015, and an Admit/Deny Hearing was held before this Court on August 11, 2015. The Defendant and both Counsel were present at said hearing. Counsel stipulated that Defendant's conditions of supervised release shall be modified to include an additional condition that requires Defendant to undergo polygraph testing and if Defendant passes the test the Government will dismiss the pending Petition to Revoke Supervised Release. Counsel further stipulated that the Defendant shall submit to periodic polygraph tests as approved by the probation officer as a means to determine compliance with his conditions of supervision and the requirements of his therapeutic program. No violation proceedings will arise solely on the result of the polygraph tests or a valid Fifth Amendment refusal to answer a question during a polygraph examination.

CONCLUSION

It is the recommendation of this Court that the District Judge, after his independent review and consideration, enter an Order **MODIFYING** Defendant's conditions of supervised release to include an additional condition that requires Defendant to undergo polygraph testing and if Defendant passes the test the Government will dismiss the pending Petition to Revoke Supervised Release and that the Defendant shall submit to periodic polygraph tests as approved by the probation officer as a means to determine compliance with his conditions of supervision and the requirements of his therapeutic program. No violation proceedings will arise solely on the result of the polygraph tests or a valid Fifth Amendment refusal to answer a question during a polygraph examination.

Pursuant to 28 U.S.C. §636(b)(1)(B), the parties have fourteen (14) days from the date of this Report and Recommendation to file written objections to these findings and recommendations with the District Court. Any objections and Responses to objections filed should be filed as CR 11-01901-TUC-DCB. No Replies shall be filed unless leave is granted from the District Court.

DATED this 11th day of August, 2015.


Bernardo P. Velasco
United States Magistrate Judge